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Attorneys for Plaintiff
United States of America

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

FRANK J. SINGER, JR.,

Defendant.

CASE NO. 2:99-CR-00107-WBS

GOVERNMENT'S MOTION TO DISMISS
INDICTMENT; ORDER THEREON

Pursuant to Rule 48 of the Federal Rules of Criminal Procedure, the United States hereby moves the Court, in the interest of justice, for an order dismissing the Indictment in this case against the sole defendant Frank J. Singer, Jr.. The defendant apparently fled the jurisdiction in June 1997 after subpoenas were served at his place of business. An Indictment was handed down in March 1999 charging him in four counts with subscribing to false personal and corporate tax returns in tax years 1992-1994. He has never been apprehended.

On approximately February 10, 2011, the government moved to dismiss the Indictment. The Court on February 11, 2011 denied the motion without prejudice to its being renewed upon a showing that there is no possibility that the defendant will be apprehended in the future, or the government lacks sufficient evidence to obtain a conviction in the event that the defendant is apprehended.

Since the Court's order, the defendant has been declared dead by a Judge of the California Superior Court. In an order dated February 7, 2014, the date of death was listed as June 10, 1997, and

1 the cause of death was specified as “Unknown – Missing Person.”

2 As noted, the charged criminal activity occurred over 20 years ago. Even if the defendant is still
3 alive and subsequently apprehended, it would be difficult, if not impossible, to marshal the evidence to
4 prosecute him. This motion is made in good faith, is not made to harass the defendant, and is not
5 contrary to the public interest. *United States v. Garcia-Venezuela*, 232 F.3d 1003, 1007-1008 (9th Cir.
6 2000). The government requests that it be granted.

7 Respectfully Submitted,

8 Dated: March 4, 2014

BENJAMIN B. WAGNER
United States Attorney

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10 By: /s/ JOHN K. VINCENT
11 JOHN K. VINCENT
Assistant United States Attorney

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14 O R D E R

15 In view of the instant motion, and GOOD CAUSE APPEARING THEREFORE, IT IS
16 HEREBY ORDERED that the Indictment in the above-captioned action is hereby dismissed.

17 Dated: March 7, 2014

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20 WILLIAM B. SHUBB
21 UNITED STATES DISTRICT JUDGE
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